

**LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

TABLE OF CONTENTS

Rule 1001-1. Scope of Local Rules; Title; Citation	4
Rule 1007-2. Mailing – List or Matrix	4
Rule 1009-1. Amendments to Petitions, Lists, Schedules & Statements	4
Rule 1017-1. Conversion – Request for/Notice of	5
Rule 1019-1. Conversion – Procedure Following	6
Rule 1071-1. Divisions – Bankruptcy Court	6
Rule 2002-1. Notice to Creditors & Other Interested Parties	7
Rule 2002-2. Notice to United States or Federal Agency	7
Rule 2002-4. Notice to State of Tennessee	8
Rule 2015-1. Trustees – General	8
Rule 2015-2. Debtor in Possession Duties	8
Rule 2016-1. Compensation of Debtor’s Attorneys in Chapter 13 Cases	9
Rule 2083-1. Chapter 13 – Monthly Operating Reports in Business Cases	10
Rule 2090-1. Attorneys – Admission to Practice	10
Rule 2090-2. Attorneys – Discipline and Disbarment	11
Rule 2091-1. Attorneys – Withdrawals	11
Rule 3001-1. Claims and Equity Security Interests – General	11
Rule 3002-1. Filing Proof of Claim	12
Rule 3007-1. Claims – Objections	12
Rule 3010-1. Dividends – Small	13

Rule 3015-1. Chapter 13 – Plan	13
Rule 3015-2. Chapter 13 – Amendments to Plans	13
Rule 3015-3. Chapter 13 – Confirmation	14
Rule 4001-1. Automatic Stay – Relief from	15
Rule 4003-2. Judicial Lien Avoidance	16
Rule 4004-1. Discharge Hearings	17
Rule 5001-2. Clerk – Office Location/Hours	17
Rule 5003-1. Clerk – General/Authority	18
Rule 5005-1. Filing Papers – Requirements	18
Rule 5005-4. Electronic Filing	18
Rule 5073-1. Electronic Equipment in the Courtroom	18
Rule 5080-1. Fees – General	18
Rule 5081-1. Fees – Form of Payment	19
Rule 6004-1. Sale of Estate Property	19
Rule 6007-1. Abandonment	20
Rule 6008-1. Redemption	20
Rule 7003-1. Cover Sheet	20
Rule 7004-2. Summons	21
Rule 7005-2. Filing of Discovery Materials	21
Rule 7007-1. Motion Practice in Adversary Proceedings	21
Rule 7015-1. Amended and Supplemental Pleadings	21
Rule 7026-1. Discovery – General	22

Rule 7037-1. Discovery – Motions	22
Rule 7045-1. Subpoena – Production of Documents	22
Rule 7056-1. Summary Judgment	22
Rule 9004-1. Papers – Requirements of Form	23
Rule 9004-2. Caption – Papers, General	23
Rule 9009-1. Forms	23
Rule 9010-1. Attorneys – Notice of Appearance	24
Rule 9010-2. <i>Pro Se</i> Parties	24
Rule 9011-4. Signatures	25
Rule 9013-1. Motion Practice	25
Rule 9013-3. Certificate of Service	29
Rule 9019-1. Settlements and Agreed Orders	29
Rule 9070-1. Exhibits	30
Rule 9072-1. Proposed Orders	30

LOCAL FORMS

2016.1	Disclosure of Compensation of Attorney for Debtor
3015.1	Chapter 13 Plan
3015.2	Notice of Motion to Modify Confirmed Plan, Meeting with Trustee, and Objection Deadline
3015.3	Order Granting Motion to Modify and Confirming Modified Plan
3015.4	Notice of Plan Modification Before Confirmation, Continued Meeting of Creditors, and Objection Deadline
9013.1	Notice of Hearing
9070.1	Exhibit Summary

RULE 1001-1. SCOPE OF LOCAL RULES; TITLE; CITATION

(a) Scope. Pursuant to Fed. R. Bankr. P. 9029(a), these local rules are adopted effective May 17, 2005, and supersede all previous rules of practice and procedure of this court and all standing and general orders. The rules govern all cases, contested matters, and adversary proceedings pending on or commenced after their effective date, except the court may enter an order excusing compliance to the extent it determines that their application in a particular case, matter, or proceeding would not be feasible or would work an injustice.

(b) Title and Citation. These rules are entitled the “Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Tennessee,” and may be cited as “E.D. Tenn. LBR _____.”

RULE 1007-2. MAILING — LIST OR MATRIX

(a) Requirement of Master Address List. A master address list must be filed along with any petition initiating a voluntary bankruptcy case or within 15 days after the entry of an order for relief in an involuntary case. The list will be treated as the list of creditors required by Fed. R. Bankr. P. 1007(a). The list must include the names and complete addresses of all creditors and parties in interest, including equity security holders in a chapter 11 case who must be notified of the case pursuant to Fed. R. Bankr. P. 2002(d), and the addresses of all parties required to be notified under Fed. R. Bankr. P. 2002(j). In all chapter 11 cases and in any other case in which a department, agency, or instrumentality of the United States is a party, the list must also include the address of the United States Attorney.

(b) Form of Master Address List. The master address list must be in such form as prescribed by the clerk of the court, which can be found on the court’s web site, www.tneb.uscourts.gov.

(c) Verification of Master Address List. Every master address list must be accompanied by a verification stating “I declare (or certify, verify, or state) under penalty of perjury that the attached list of creditors is true and correct.” The verification must be dated and signed by each debtor.

RULE 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES & STATEMENTS

(a) Form. Any amendment to a petition, list, schedule or statement must be made utilizing the Official Forms to the extent possible, must contain a caption, including the debtor’s name and case number, and must set forth a title for the document, including the word “Amended.” The amendment must be verified by the debtor in the same manner that the item being amended was originally executed and verified.

(b) Service. All amendments must be accompanied by a certificate evidencing service by the debtor on the trustee, if one has been appointed, the United States trustee, and any affected entity. If the amendment is to the petition, the Statement of Social Security Number (Official Form 21), or Schedule C (Property Claimed as Exempt), all creditors are deemed affected such that the certificate of service for the amended petition, statement, or schedule must evidence service on all creditors and other parties in interest.

(c) Added Creditors. Amendments to schedules adding additional creditors or changing the address of a creditor must contain only the additional or corrected information. The amended schedule shall be accompanied by—

- (1) the required amendment fee if adding a creditor (no fee required if merely changing an address);
- (2) a supplemental master address list as prescribed by Local Rule 1007-2(b) setting forth only the added creditor and its address or the corrected address of the creditor; and
- (3) a certificate evidencing service on the trustee and the affected creditor of a copy of—
 - (i) the amended schedule; and
 - (ii) notice of the Bankruptcy Case issued by the clerk of the court and containing the debtor's full social security number.

(d) Correction of Debtor's Social Security Number. To correct an error in the debtor's social security number, the debtor must submit to the clerk an amended Statement of Social Security Number (Official Form 21), accompanied by a separate certificate of service for filing, which evidences service of the Statement on the trustee, the United States trustee, and all creditors and parties in interest. If the error is in the last four digits of the social security number, the debtor must also file an amended petition with the correct last four digits.

RULE 1017-1. CONVERSION — REQUEST FOR/ NOTICE OF

Pursuant to 11 U.S.C. § 1307(a), 11 U.S.C. § 1208(a), and Fed. R. Bankr. P. 1017(f)(3), a debtor may convert a chapter 13 or chapter 12 case to chapter 7 by filing a notice of conversion. Any motion filed by a debtor seeking to convert a chapter 13 or chapter 12 case to a case under chapter 7 will be treated as a notice of conversion and should not be accompanied by a Notice of Hearing as set forth in Local Rule 9013-1(f). Any conversion notice or motion must be accompanied by the required conversion fee.

RULE 1019-1. CONVERSION — PROCEDURE FOLLOWING

(a) Duties of Trustee. Within 30 days following the conversion of a chapter 13 case to chapter 7, the chapter 13 trustee must—

- (1) disburse to the clerk of the court any unpaid filing fee to the extent the trustee has funds on hand;
- (2) distribute all plan payments in accordance with the plan unless the plan was not confirmed prior to conversion in which event the trustee must return all plan payments to the debtor after deducting any unpaid claim allowed under 11 U.S.C. § 503(b);
- (3) turn over to the chapter 7 trustee all records and property of the estate in the chapter 13 trustee's possession or control except plan payments; and
- (4) file a final report and account.

(b) Duties of Debtor. Within 15 days following the conversion of a chapter 13 case to chapter 7, the debtor must file—

- (1) a schedule of unpaid debts incurred after the filing of the petition, including the name and address of each claim holder;
- (2) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the petition;
- (3) if unpaid debts were incurred or executory contracts or unexpired leases entered into postpetition, a supplemental master address list of creditors in the form required by Local Rule 1009-1;
- (4) such other amendments to the schedules, statements, and lists as are necessary to reflect any material additions, deletions, or other changes in the debtor's assets or liabilities that have occurred since the filing of the petition; and
- (5) a statement of intention if required by 11 U.S.C. § 521(2)(A).

RULE 1071-1. DIVISIONS — BANKRUPTCY COURT

There are four divisions of the court. The headquarters of each division and the counties comprising each division are as follows:

Name of Division	Clerk's Office	Counties
Northeastern	Greeneville	Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington
Northern	Knoxville	Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union

Southern	Chattanooga	Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie
Winchester	Chattanooga	Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren

RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Returned Notices. Notices of the 11 U.S.C. § 341 meeting of creditors, orders dismissing the case, and discharge orders will have a return address of the debtor’s counsel or the debtor if *pro se*. If a notice or order is returned as undeliverable, the debtor must determine the correct address, re-serve the notice or order, and file a certificate of service with the clerk. If corrected addresses are unavailable, debtor or counsel should file a notice with the clerk, who is then authorized to remove from the mailing list the undeliverable address. If any other notice, motion, or order is returned to the clerk as undeliverable, the clerk may forward the undelivered notice, motion, or order to the debtor’s counsel or to the debtor if *pro se* for re-service in accordance with this rule.

(b) Chapter 11 Notices. Unless the court orders otherwise, notices required by Fed. R. Bankr. P. 2002(a)(2)-(3) and 4001(b)-(d) in chapter 11 cases must be served only on—

- (1) any party entitled to notice under Fed. R. Bankr. P. 9014;
- (2) the debtor and the debtor’s attorney (unless the debtor is giving the notice);
- (3) the trustee, if any (unless the trustee is giving the notice);
- (4) all other parties requesting notices;
- (5) counsel for all committees appointed under 11 U.S.C. § 1102;
- (6) the creditors holding the 20 largest unsecured claims if no committee of unsecured creditors has been appointed;
- (7) the United States trustee;
- (8) any government or department, agency, or instrumentality of any government to which the debtor may be indebted or that may otherwise be affected; and
- (9) the United States Attorney.

RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY

(a) Notice to the United States Trustee. The appropriate address for transmittal to the Office of the United States trustee can be found on the court’s web site, www.tneb.uscourts.gov.

(b) Notice to the United States. Notices to the United States or any of its agencies, departments, or instrumentalities must be served at the address listed on the court’s web site, www.tneb.uscourts.gov, for that particular agency, department, or instrumentality. In the event notice to the United States is required, notice must also be served on the United States Attorney at the address listed on the court’s web site. The notice requirements of this subdivision must be

utilized in conjunction with the service requirements of Fed. R. Bankr. P. 7004(b)(4) and (5).

RULE 2002-4. NOTICE TO STATE OF TENNESSEE

Notices to the State of Tennessee or any of its agencies, departments, or instrumentalities must be served on the Tennessee Attorney General at the address set forth on the court's web site, www.tneb.uscourts.gov.

RULE 2015-1. TRUSTEES — GENERAL

The chapter 7 panel trustees and the standing trustees in chapter 13 and chapter 12 cases serving this court and their authorized representatives are exempt from the payment of fees for Web PACER (Public Access to Court Electronic Records) for the sole purpose of accessing case information from the PACER system in furtherance of their official duties as trustees. Any such trustee or authorized representative who accesses case information from the PACER system pursuant to this rule is presumed to be acting in furtherance of his or her official duties as trustee.

RULE 2015-2. DEBTOR IN POSSESSION DUTIES

(a) Content of Chapter 11 Operating Reports. Unless the court orders otherwise, the debtor in possession or trustee, if one has been appointed, in a chapter 11 business case must file no later than the 15th day of each month verified monthly reports setting forth a summary of the past month's business operations in the format required by the United States trustee.

(b) Service of Chapter 11 Operating Reports. The debtor in possession or trustee, if one has been appointed, must serve a copy of each operating report on the United States trustee, any committee of creditors appointed under 11 U.S.C. § 1102, the United States Attorney, the Internal Revenue Service, and any other creditor or party in interest that submits a written request for copies of such reports.

RULE 2016-1. COMPENSATION OF DEBTOR'S ATTORNEY IN CHAPTER 13 CASES

(a) Presumptive Fee.

(1) *Base Fee for Preconfirmation and Routine Services.* In a chapter 13 case, a debtor's attorney may, without filing an itemized statement, request a Base Fee in an amount not to exceed \$1,600 for all services rendered and expenses incurred prior to confirmation of the plan and all routine services and expenses anticipated to be rendered or incurred after confirmation. The amount of the Base Fee must be stated in the chapter 13 plan, Local Form 3015.1, and on a Disclosure of Compensation of Attorney for Debtor form substantially conforming to Local Form 2016.1, which must be filed in accordance with Fed. R. Bankr. P. 2016(b). Absent an objection to the Base Fee provision of the plan filed in accordance with Local Rule 3015-3(b), the court will generally approve the Base Fee upon plan confirmation without further notice or a hearing. However, the court *sua sponte* may require a hearing on any Base Fee.

(2) *Supplemental Fees for Postconfirmation, Non-routine Services.* Any attorney who has received a Base Fee pursuant to subdivision (a)(1) of this rule, and who seeks additional compensation or reimbursement of expenses for representing the debtor in connection with the case after plan confirmation for services or expenses not considered routine, must file an itemized fee application that complies with Fed. R. Bankr. P. 2016(a). In filing the application, the attorney must follow the motion procedure set forth in Local Rule 9013-1, which requires, *inter alia*, that the application be accompanied by a proposed order and be set for hearing or contain the passive notice language. The application must set forth the effect of the additional fee, if any, on the dividend to be paid unsecured creditors under the confirmed plan. The applicant must serve the application, along with the proposed order, on the debtor and the trustee, and if the fee requested exceeds \$1,000, on all creditors and other parties in interest.

(b) Lodestar Fee. In any case in which the attorney seeks initial compensation in excess of \$1,600 or in any case in which the attorney chooses to seek compensation other than as prescribed in subdivision (a) of this rule, the attorney must file a fee application including an itemized statement conforming to Fed. R. Bankr. P. 2016(a). In filing the application, the attorney must follow the motion procedure set forth in Local Rule 9013-1, which requires, *inter alia*, that the application be accompanied by a proposed order and be set for hearing or contain the passive notice language. In addition to the requirements of Fed. R. Bankr. P. 2016(a), the application must set forth the effect of the fee on the dividend to be paid unsecured creditors under the debtor's plan. The applicant must serve the application or a summary thereof, along with the proposed order, on the debtor, the trustee, and all creditors and parties in interest and certify service as required by Local Rule 9013-3. In addition, the attorney must timely file the compensation disclosure statement required by Fed. R. Bankr. P. 2016(b).

RULE 2083-1. CHAPTER 13 — MONTHLY OPERATING REPORTS IN BUSINESS CASES

A chapter 13 debtor engaged in business must file a monthly operating report by the 15th day of the month following the reporting month. This report must include a statement of receipts and disbursements and, if payments are made to employees, a statement of the deductions for withholding and Social Security taxes, including the place where such deposits are held. A copy of the report must be served on the chapter 13 trustee, the Internal Revenue Service, and any other creditor or party in interest that submits a written request for copies of such reports.

RULE 2090-1. ATTORNEYS — ADMISSION TO PRACTICE

(a) Attorney Practice Before the Court. Except for activities not requiring representation by an attorney pursuant to Local Rule 9010-2(a), attorneys may not practice before this court unless—

- (1) admitted to practice in the United States District Court for the Eastern District of Tennessee and presently in good standing before the district court;
- (2) representing the United States and authorized to practice before the district court under Rule 83.5(h) of the Local Rules of the United States District Court for the Eastern District of Tennessee; or
- (3) admitted to practice *pro hac vice* under subdivision (c) of this rule.

(b) General Admission. The bar of this court consists of all attorneys admitted to practice before the district court in accordance with Rule 83.5 of the Local Rules of the United States District Court for the Eastern District of Tennessee and presently in good standing before the district court.

(c) Admission *Pro Hac Vice*. An attorney who is in good standing as a member of the bar of a state and is admitted to practice in a United States District Court may be admitted *pro hac vice* by comity to appear before this court in a particular case, contested matter, or adversary proceeding. Admission *pro hac vice* must be sought by written motion accompanied by a statement of the movant, signed under penalty of perjury and setting forth—

- (1) the movant's office address, telephone and fax numbers, and e-mail address;
- (2) each court to which the movant is admitted to practice; and
- (3) that the movant is in good standing and eligible to practice in all courts to which he or she is admitted.

The movant must submit with the motion a proposed order granting the motion, approved for entry by the movant. Except in adversary proceedings, the court in its discretion may waive the requirement of a written motion and in lieu thereof may permit the motion to be made orally on the record by a member of the bar of this court.

RULE 2090-2. ATTORNEYS — DISCIPLINE AND DISBARMENT

The Rules of Professional Conduct as adopted by the Supreme Court of Tennessee (Rule 8 of that court's rules) are likewise adopted by this court as rules of professional conduct to the extent they relate to matters within this court's jurisdiction.

RULE 2091-1. ATTORNEYS — WITHDRAWALS

(a) Withdrawals. An attorney (including debtor's counsel desiring not to continue to represent the debtor in connection with an adversary proceeding [see Local Rule 9010-1(b)]) may not withdraw from representation after entering an appearance except by leave of court for cause shown. Except as provided in subdivision (b) or (c) of this rule, an attorney of record who desires to withdraw from representation must file and serve on his or her client, the trustee, and any opposing party a motion to withdraw setting forth the basis of the motion and must tender a proposed order granting the motion.

(b) Substitution. If the client agrees to an attorney's withdrawal and has obtained the services of another attorney, the attorney of record must file a motion for substitution along with a proposed agreed order signed by both attorneys. New counsel must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 10 days after entry of the order.

(c) Inability of Attorney to Serve. In the event that an attorney of record dies, is removed or suspended, or is otherwise unable to continue to act as attorney of record, the individual or entity that the attorney was representing should obtain the services of another attorney. New counsel must file a motion for substitution with a proposed order and must file the disclosure of compensation statement required by 11 U.S.C. § 329 and Fed. R. Bankr. P. 2016(b) within 10 days after entry of the order.

(d) Pro Se Appearance. If an attorney withdraws or becomes unable to continue to act as attorney of record and the individual that the attorney was representing does not intend to retain substitute counsel, the individual must file with the clerk and serve on all opposing parties a notice of his or her intent to proceed *pro se*, stating the individual's address to which service and notices should be sent. (See Local Rule 9010-2.)

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL

(a) Attachments to Proofs of Claim. As an alternative to filing exhibits with a proof of claim, including evidence of a writing and proof of perfection of a security interest, a claimant may file as

an attachment to the proof of claim a summary of exhibits, utilizing the Exhibit Summary Form, Local Form 9070.1. The claimant must, however, serve the actual exhibits, along with the proof of claim, on the trustee. In addition, if the exhibit summary form is used, the claimant must have the actual exhibits available at any hearing pertaining to the claim.

(b) Proof of Perfection by Secured Creditors.

(1) *Submission to Trustee.* Prior to the meeting of creditors in chapter 7, 12, and 13 cases, all creditors asserting a security interest in property of the estate or property of the debtor must submit to the trustee proof that the asserted security interest has been perfected in accordance with applicable law. Creditors asserting security interests are requested also to submit a statement of the approximate amount of debt secured by each lien.

(2) *Failure to Comply.* In the event the holder of a secured claim does not comply with the provisions of this rule and the trustee gives notice to the creditor in writing in accordance with Fed. R. Bankr. P. 9014(b) that it has failed to comply with the rule, the trustee may be entitled to recover costs related to the filing of an adversary proceeding against the creditor if the creditor fails to cure its noncompliance within 20 days of service of notice.

RULE 3002-1. FILING PROOF OF CLAIM

Every creditor filing a proof of claim must serve a copy of the claim along with attachments on any trustee in the case.

RULE 3007-1. CLAIMS — OBJECTIONS

(a) Procedure. Any party filing an objection to a proof of claim must set the objection for hearing in accordance with the procedure in Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(b) Objection Requirements. In the event the objecting party utilizes the passive notice procedure of Local Rule 9013-1(h), the objection must be accompanied by an affidavit or declaration under penalty of perjury that sets forth the evidentiary basis for the objection unless the objection is premised on procedural grounds evident from the record.

(c) Proposed Order. Each objection to a proof of claim must be accompanied by a proposed order sustaining the objection and approved for entry by the movant, which order must be served with the objection.

(d) Service. Each objection to a proof of claim must contain a certificate evidencing service of the objection and proposed order (along with the Notice of Hearing if a hearing is set) on the claimant at the address set forth in the proof of claim, the debtor, debtor's counsel, and the trustee.

RULE 3010-1. DIVIDENDS — SMALL

Pursuant to Fed. R. Bankr. P. 3010(b), the trustee in a chapter 13 case is authorized to disburse and make payments of less than \$15 if the trustee deems it appropriate.

RULE 3015-1. CHAPTER 13 — PLAN

(a) Form of Plan. A chapter 13 plan must substantially conform to Local Form 3015.1.

(b) Transmission to Creditors. If the chapter 13 plan is filed with the petition, the clerk will be responsible for sending copies of the plan to creditors and other parties in interest. If a debtor elects to file a plan after the filing of the petition, the debtor or the debtor's attorney must send copies of the proposed plan to each creditor, any party in interest who has requested notice, and the chapter 13 trustee and file a certificate of service in accordance with Local Rule 9013-3.

RULE 3015-2. CHAPTER 13 — AMENDMENTS TO PLANS

(a) Modification of Confirmed Plans.

(1) *Motion to Modify.* A debtor seeking to modify a confirmed chapter 13 plan must file—

- (i) a motion to modify the plan;
- (ii) the proposed modified plan;
- (iii) a Notice conforming to Local Form 3015.2; and
- (iv) if the motion seeks to reduce plan payments, amended Schedules I and J.

The motion to modify must include a summary of the changes set forth in the proposed modified plan and the reason for the modification. The proposed modified plan must substantially conform to Local Form 3015.1. The date specified in the Notice for the meeting with the chapter 13 trustee must be designated by the debtor on a day prearranged by the trustee and must be at least 20 days after service of the motion, plan, and notice.

(2) *Service of the Motion.* The motion must contain a certificate evidencing service of the motion, the proposed modified plan, and the Notice on the chapter 13 trustee and all affected creditors and parties in interest. The chapter 13 trustee must also be served with copies of the amended schedules.

(3) *Objections to the Motion.* To be timely, an objection to the motion to modify must be filed with the clerk before the scheduled time of the meeting with the trustee or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor's attorney and the chapter 13 trustee, unless the objection is lodged with the trustee during the meeting.

(4) *Court Consideration of Motion.* If no objection to the proposed modification is filed, the court may approve the modification without a hearing. In that event, the chapter 13 trustee must promptly tender an order approving the modification, bearing the signature of the trustee, in a form substantially conforming to Local Form 3015.3. If a party in interest objects to confirmation of the modified plan, the court will conduct a hearing, which (absent a contrary agreement of the objecting parties and the debtor) will be the first scheduled time for confirmation hearings that is at least seven days after the completion of the meeting with the chapter 13 trustee.

(b) Pre-Confirmation Amendments. Where the debtor desires to amend a plan before confirmation and the amendment will materially adversely affect creditors, the amendment must be made by filing a new plan conforming to Local Form 3015.1 and identified as an amended plan. The amended plan must be accompanied by—

- (1) a Notice conforming to Local Form 3015.4; and
- (2) a certificate evidencing service of the amended plan and the Notice on the chapter 13 trustee and all affected creditors and parties in interest.

Thereafter, the confirmation process will be governed by Local Rule 3015-3.

RULE 3015-3. CHAPTER 13 — CONFIRMATION

(a) Objections to Confirmation. To be timely, an objection to confirmation of a chapter 13 plan must be filed with the clerk before the scheduled time of the § 341(a) meeting of creditors or before the scheduled time of a continued meeting, or the objection must be lodged with the chapter 13 trustee at the meeting of creditors in the particular case. An objection filed beyond the time fixed in this rule will not be considered unless the court, for cause, extends the time. An objection must set forth the grounds relied upon by the objecting party and must contain a certificate evidencing service on the debtor's attorney and the chapter 13 trustee, unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.

(b) Court Consideration of Plan. If no objection to the plan is filed, the court may confirm the plan without a hearing. If a party in interest objects to plan confirmation, the court will conduct a hearing, which (absent a contrary agreement of the objecting parties and the debtor) will be the first scheduled

time for confirmation hearings that is at least seven days after the completion of the meeting of creditors.

RULE 4001-1. AUTOMATIC STAY — RELIEF FROM

(a) Chapter 7 Cases.

(1) *Contents of Motion.* A motion for relief from the automatic stay filed by a secured creditor in a chapter 7 case must include—

- (i) a statement of the unpaid balance of the creditor's claim as of the date of filing of the debtor's petition;
- (ii) a description of the collateral in which the creditor asserts a security interest; and
- (iii) a statement of the creditor's good faith estimate of the value of the collateral along with the results of any appraisal or other evidence supporting that valuation.

(2) *Attachments.* Documents or pertinent excerpts of the documents which evidence the creation and perfection of a security interest such as the security agreement, UCC-1 financing statement, certificate of title, or deed of trust must be attached to the motion. Alternatively, such documents may be summarized in the body of the motion or listed in an attachment to the motion, utilizing the Exhibit Summary Form, Local Form 9070.1. Regardless of whether the movant chooses to file the documents as attachments to the motion or merely summarize the documents either in the motion or in a separate Exhibit Summary Form, copies of such documents or their pertinent excerpts must actually be served as provided in subdivision (a)(5) of this rule.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion, actual copies of the attachments or their pertinent excerpts, and the proposed order (along with a Notice of Hearing if hearing is set) on the debtor, debtor's attorney, and trustee.

(6) *Waiver.* If the movant utilizes the passive notice procedure of Local Rule 9013-1(h) or schedules a hearing on a motion for relief from the automatic stay for a date that is more than 30 days after the date the motion was filed, the movant is deemed to have waived the automatic termination provisions of 11 U.S.C. § 362(e).

(b) Fed. R. Bankr. P. 4001(d) Motions in Chapter 11 Cases.

(1) *Scope.* This rule applies to agreements in chapter 11 cases—

- (i) to provide adequate protection;
- (ii) to prohibit or condition the use, sale, or lease of property;
- (iii) to modify or terminate the stay provided for in 11 U.S.C. § 362(a);
- (iv) to use cash collateral; or
- (v) between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property.

(2) *Motion.* Subject to Fed. R. Bankr. P. 4001(d)(4), approval of any agreement within the scope of this rule, whether in the form of a proposed agreed order or otherwise, must be sought by motion pursuant to Fed. R. Bankr. P. 4001(d). A copy of the agreement must be attached to the motion and signed by the debtor in possession or trustee if one has been appointed.

(3) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(4) *Proposed Order.* Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(5) *Service.* Each motion must contain a certificate evidencing service of the motion and proposed order (along with a Notice of Hearing if a hearing is set) on the parties identified in Local Rule 2002-1(b).

RULE 4003-2. JUDICIAL LIEN AVOIDANCE

(a) Contents of Motion. A motion to avoid a judicial lien filed by a debtor pursuant to 11 U.S.C. § 522(f)(1)(A) must set forth—

- (1) the factual basis for the motion, including the amount of the lien;
- (2) the identity and fair market value of the property subject to the lien;
- (3) the nature and amount of any other debts or obligations secured by an interest in the property; and
- (4) the dollar amount of the exemption.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Proposed Order. Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(d) Service. Each motion must contain a certificate evidencing service of the motion and proposed order (along with a Notice of Hearing if hearing is set) on the trustee and the lien holder.

RULE 4004-1. DISCHARGE HEARINGS

(a) Entry of Discharge Order Without Hearing. In a chapter 7 case, the court will not conduct a discharge hearing unless the debtor desires to make a reaffirmation agreement and was not represented by an attorney during the course of negotiating the agreement. Upon the filing of a reaffirmation agreement which is not accompanied by a declaration or affidavit of the debtor's attorney as set forth in 11 U.S.C. § 524(c)(3), the court will schedule a hearing as required by 11 U.S.C. § 524(d).

(b) Request for Delay of Entry of Discharge Order by Debtor.

(1) *Initial Deferral.* The court will ordinarily grant a single delay of the entry of a discharge order for not more than 30 days upon the filing of a motion by the debtor and submission of a proposed order as set forth in Local Rule 9013-1(g) prior to the expiration of the deadline prescribed by Fed. R. Bankr. P. 4004(a).

(2) *Other Deferrals.* For additional or further delays requested by the debtor, the debtor must file a motion stating—

- (i) how many motions to delay the entry of a discharge order have previously been filed;
- (ii) the original Fed. R. Bankr. P. 4004(a) deadline;
- (iii) the amount of delay granted in response to each previous motion; and
- (iv) the specific grounds for further or additional delay.

If those grounds consist of difficulty in obtaining a reaffirmation agreement with a creditor, the statement of the grounds must include the name of each such creditor and a description of the efforts made by the debtor to procure the execution of each agreement. The motion must be filed prior to the expiration of the period of delay most recently granted or if later, the Fed. R. Bankr. P. 4004(a) deadline, and must be accompanied by a proposed order granting the relief sought thereby as set forth in Local Rule 9013-1(c).

RULE 5001-2. CLERK — OFFICE LOCATION/ HOURS

The mailing addresses and hours of business of the clerk's divisional offices are listed on the court's web site, www.tneb.uscourts.gov.

RULE 5003-1. CLERK — GENERAL/AUTHORITY

The clerk, deputy clerks, and all other court personnel are prohibited from giving any legal advice and assume no responsibility for information or misinformation regarding the applicability of bankruptcy laws and rules, including the local rules of this court.

RULE 5005-1. FILING PAPERS — REQUIREMENTS

Papers should be filed in the office of the clerk responsible for maintaining the records for the division in which the case or adversary proceeding is pending.

RULE 5005-4. ELECTRONIC FILING

(a) Internet Filing. Documents may be filed, signed or verified by electronic means that are consistent with technical standards established by the Judicial Conference of the United States and are in compliance with the Administrative Procedures for Electronic Case Filing adopted by the court and available on the court's web site, www.tneb.uscourts.gov.

(b) Facsimile Filing. Documents may not be filed by facsimile transmission except with the prior express permission of the court.

RULE 5073-1. ELECTRONIC EQUIPMENT IN THE COURTROOM

Unless the court orders otherwise, no photographic, recording, broadcasting, or telephonic equipment (including pagers) may be utilized in the courtroom during any judicial proceeding. Portable computers may, however, be operated in the courtroom in silent mode.

RULE 5080-1. FEES — GENERAL

The payment of applicable fees is required upon the filing of any petition, motion, or complaint, except a petition accompanied by an application to pay the filing fees in installments in accordance with Fed. R. Bankr. P. 1006(b). A list of the required fees is available on the court's web site, www.tneb.uscourts.gov. Once a fee has been paid, it may not be returned except by order of the court. Upon dismissal of a chapter 13 case, the chapter 13 trustee must pay any unpaid filing fee from funds on hand at the time of dismissal.

RULE 5081-1. FEES — FORM OF PAYMENT

With respect to conventional paper filings, fees to the clerk must be paid by cash, cashier's check, money order, check drawn on a business account other than the debtor's, or check drawn on a client account or trust account of the attorney of record. In addition, attorneys having completed the requisite form may pay filing fees by major credit or debit cards in accordance with the procedures prescribed by the clerk. Such forms are available from the clerk and on the court's web site, www.tneb.uscourts.gov. For electronic filings, all required fees must be paid by credit or debit card.

RULE 6004-1. SALE OF ESTATE PROPERTY

(a) Notice of Proposed Sale of Property.

(1) *Content of Notice.* Notice of a proposed use, sale or lease of property must, in addition to the requirements of Fed. R. Bankr. P. 2002(c)(1), set forth—

- (i) the name and address of the proposed buyer; and
- (ii) the consideration to be received by the estate or the debtor.

(2) *Procedure.* The party giving notice must set the notice for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(3) *Proposed Order.* In the event the party giving notice seeks entry of an order approving the sale, the notice must be accompanied by a proposed order, approved for entry by the movant, which must be served with the notice.

(4) *Service.* The notice must contain a certificate evidencing service of the notice and any proposed order, along with the Notice of Hearing if a hearing is set, on all creditors and parties in interest.

(b) Sales of Property Subject to Liens or Other Interests.

(1) *Motion Requirement and Contents.* A request to sell property free and clear of liens or other interests must be in the form of a motion which sets forth—

- (i) the identity of the lien or interest holder;
- (ii) the amount of such claim; and
- (iii) the basis for the sale under 11 U.S.C. § 363(f).

(2) *Procedure.* The movant must set the motion for hearing in accordance with Local Rule 9013-1(f).

(3) *Proposed Order.* The motion must be accompanied by a proposed order granting the motion and approved for entry by the movant, which order must be served with the motion.

(4) *Service.* The motion must contain a certificate evidencing service of the motion, proposed order, and Notice of Hearing on the parties who have liens or other interests in the property to be sold.

(c) Report of Sale. Within 15 days of the closing of a sale, a report of sale must be filed and served on the debtor, the trustee, and the United States trustee.

RULE 6007-1. ABANDONMENT

Pursuant to Fed. R. Bankr. P. 6007(a), a chapter 7 trustee in a “no asset” case may, at or after the meeting of creditors held pursuant to 11 U.S.C. § 341(a), abandon property of the estate without notice to creditors or the United States trustee unless a written request for notice is filed at or before the meeting.

RULE 6008-1. REDEMPTION

(a) Contents of Motion. A motion to redeem pursuant to 11 U.S.C. § 722 and to Fed. R. Bankr. P. 6008 must, in addition to other material averments, contain—

- (1) a description of the property sought to be redeemed;
- (2) a statement of the debtor’s good faith estimate of the value of the collateral and the results of any appraisal or other documentary evidence supporting that valuation; and
- (3) a statement that the property has been abandoned or is exempt.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Proposed Order. Each motion must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

(d) Service. Each motion must contain a certificate evidencing service of the motion and proposed order, along with the Notice of Hearing if a hearing is set, on the trustee and the creditor.

RULE 7003-1. COVER SHEET

An adversary proceeding cover sheet in the form prescribed by the Administrative Office of the United States Courts must be completed and filed with each complaint filed conventionally. Blank cover sheet forms are available from the clerk and on the court’s web site, www.tneb.uscourts.gov.

RULE 7004-2. SUMMONS

Upon the filing of a complaint, the plaintiff must present a form of summons to the clerk for signature and seal. The summons form must conform substantially to the form prescribed by the Administrative Office of the United States Courts, copies of which are available from the clerk and on the court's web site, www.tneb.uscourts.gov. If the summons is in proper form, the clerk will issue the summons to the plaintiff for service. The party or attorney serving the complaint and summons must file a certificate evidencing service but the failure to do so does not affect the validity of the service. The clerk will issue an alias summons only upon request.

RULE 7005-2. FILING OF DISCOVERY MATERIALS

Deposition transcripts (or audio or video recordings of depositions), interrogatories, requests for documents, and requests for admissions and responses or answers thereto should not be filed with the clerk except by order of the court. Relevant portions of discovery materials may, however, be filed in support of or in opposition to motions and for use at trial (*see* Local Rule 7037-1).

RULE 7007-1. MOTION PRACTICE IN ADVERSARY PROCEEDINGS

A motion filed in an adversary proceeding must be accompanied by a brief setting forth the facts and the law supporting the motion. Unless the court directs otherwise, the opposing party must file a response within 20 days after the date of filing of the motion. Any response must be supported by a brief setting forth the facts and the law in opposition to the motion. A failure to respond timely will be construed to mean that the respondent does not oppose the relief requested by the motion. After the time for response has expired, the court may rule on the motion without a hearing. A party may request a hearing on any motion.

RULE 7015-1. AMENDED AND SUPPLEMENTAL PLEADINGS

A party who moves to amend a pleading in an adversary proceeding must attach a copy of the proposed amended pleading as an exhibit to the motion.

RULE 7026-1. DISCOVERY — GENERAL

(a) Automatic Disclosure Requirements. Pursuant to Fed. R. Bankr. P. 9014(c) and 1018, the provisions of Fed. R. Civ. P. 26(a)(1)-(4) and 26(f) do not apply in contested matters or to contested involuntary petitions unless the court orders otherwise.

(b) Written Discovery Requests. The answers and responses to each set of written discovery requests must reproduce each question, interrogatory, or request verbatim.

RULE 7037-1. DISCOVERY — MOTIONS

Discovery motions pursuant to Fed. R. Bankr. P. 7026-7037 must include, in the motion or an attached brief, a verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion, or a copy of the actual discovery document that is the subject of the motion. Also, the motions must be accompanied by a proposed order, approved for entry by the movant, which must be served with the motion.

RULE 7045-1. SUBPOENA — PRODUCTION OF DOCUMENTS

When a party is entitled, pursuant to a subpoena or court order, to inspect and obtain copies of books, papers, or documents of a person or entity that is not a party to the contested matter or adversary proceeding, the party inspecting and copying the materials must, within a reasonable period of time, provide to all other parties an opportunity to inspect and obtain copies of all such materials.

RULE 7056-1. SUMMARY JUDGMENT

(a) Statement of Undisputed Material Facts. Every motion for summary judgment pursuant to Fed. R. Bankr. P. 7056 must be accompanied by a statement of material facts which the movant contends are undisputed. Each fact must be set forth in a separate, numbered paragraph and supported by specific citation to material allowed by Fed. R. Civ. P. 56(c) that establishes the fact. Failure to submit such a statement may constitute grounds for denial of the summary judgment motion.

(b) Response to Statement of Undisputed Material Facts. Every response to a motion for summary judgment must be accompanied by a response to the movant's statement of undisputed material facts. The response must separately address each paragraph of the movant's statement, by—

- (1) agreeing that the fact is undisputed;

- (2) agreeing that the fact is undisputed for the purpose of summary judgment only; or
- (3) stating that the fact is disputed as demonstrated by specific citation to material allowed by Fed. R. Civ. P. 5(c).

Absent a response in accordance with the requirements of this subdivision, the material facts set forth in the movant's statement will be deemed admitted.

(c) Statement of Additional Undisputed Material Facts. The respondent may file, with the response to the motion, a statement of additional material facts that the respondent contends are undisputed and require the denial of the motion. The movant must respond to the statement within five days after service of the statement of additional undisputed material facts. The content of the statement must be the same as prescribed in subdivision (a) of this rule, and the content of the response thereto must be the same as prescribed in subdivision (b) of this rule.

RULE 9004-1. PAPERS — REQUIREMENTS OF FORM

(a) General Form Requirements. Except for exhibits and attachments, all pleadings and other papers presented for filing must be 8½ inches by 11 inches in size; typed or legibly hand-printed; double-spaced, except for official forms and quoted material; and paginated consecutively at the bottom beginning with the second page. In addition, if presented for filing in a conventional manner, all papers must be on white paper of good quality; flat and unfolded; and fastened by paper clip or stapled in the upper left corner.

(b) Exhibits. Each exhibit should display a prominent number or letter by which reference is made in the document to which it is attached; should be numbered consecutively within if reference is made to a specific page of the exhibit; and not be two-sided.

RULE 9004-2. CAPTION — PAPERS, GENERAL

In addition to the information required by Fed. R. Bankr. P. 9004(b) and, if applicable, 11 U.S.C. § 342(c) or Fed. R. Bankr. P. 1005 or 2002(n), every caption must identify the chapter of the case and the division in which the case or adversary proceeding is pending.

RULE 9009-1. FORMS

The forms appended to these Local Rules constitute part of these rules.

RULE 9010-1. ATTORNEYS — NOTICE OF APPEARANCE

(a) Filing Constitutes Appearance. The filing of any notice, petition, pleading, motion, brief, application, objection, response, order, or other paper constitutes an appearance by the attorney signing it.

(b) Scope of Appearance as Attorney for Debtor. Notwithstanding any purported limitation of appearance, entry of an appearance by debtor's counsel constitutes a general appearance for all contested matters and adversary proceedings pending or thereafter initiated to which the debtor is a party, including actions to determine dischargeability, to deny discharge, or to revoke discharge.

RULE 9010-2. *PRO SE* PARTIES

(a) Representation of Business Entities. A corporation, partnership, limited liability company, or other artificial legal entity may not appear in cases, contested matters, or adversary proceedings before this court without legal counsel, except that any such entity may, by or through an authorized officer, agent, attorney in fact, or proxy—

- (1) prepare, sign, and file a proof of claim or a notice of the transfer of a claim;
- (2) sign and file a reaffirmation agreement;
- (3) prepare, sign, and file a request for notices;
- (4) attend and participate in a meeting of creditors conducted pursuant to U.S.C. §341(a), including the examination of the debtor within the scope of the examination permitted by Fed. R. Bankr. P. 2004(b);
- (5) prepare, sign, and file a professional fee application, and appear in court in support of a professional fee application;
- (6) prepare, sign, and file a ballot or acceptance or rejection of a plan; and
- (7) vote on the election of a trustee.

(b) Individuals.

(1) When an individual has appeared by an attorney, that individual may not thereafter appear or act in his or her own behalf unless an order permitting the withdrawal of the attorney has been entered by the court under Local Rule 2091-1(a). However, the court in its discretion may hear an individual in open court notwithstanding the fact that the individual is represented by an attorney.

(2) An individual may not delegate the right to represent himself or herself to an individual other than an attorney.

RULE 9011-4. SIGNATURES

Every paper submitted for filing must be signed and must include the signer's typed or printed name, mailing address, and telephone number. If the signer is an attorney, the attorney's state bar number (and the state from which the bar number is issued, if other than Tennessee) should also be included. Entry of the user log-in and password required to file papers electronically serves as the filing user's signature on all documents filed with the court electronically for purposes of Fed. R. Bankr. P. 9011, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

RULE 9013-1. MOTION PRACTICE

(a) Scope of Rule. As used in this rule, the word "motion" includes any motion, application, objection to claim, or other request for an order in a bankruptcy case, except as otherwise directed by the court. Specifically excluded from the scope of this rule are motions in adversary proceedings.

(b) Form and Content of Motions. All motions (except those made orally during a hearing or trial) must—

- (1) be in writing and filed with the clerk;
- (2) be titled in the form "Motion [or Application] of [Movant's Name] for [Relief Requested]" or "Objection by [Objecting Party] to Proof of Claim filed by [Name of Claimant]";
- (3) state with particularity the grounds for the motion; and
- (4) request specific relief.

(c) Proposed Orders. Except as otherwise provided in these Local Rules, all motions must be accompanied by a proposed order, which must be served with the motion, granting the requested relief and approved for entry by the movant. A movant's failure to submit a proposed order with the motion may result in the entry of an order denying the motion without prejudice.

(d) Service of Motions. Every motion must contain a certificate in accordance with Local Rule 9013-3, evidencing that the movant has served the motion, proposed order, and, if applicable, the Notice of Hearing, on the requisite parties in interest. Applications for payment of professional fees or for administrative expenses need not be served on all creditors. Rather, a summary of the application identifying the applicant and the amount requested must be incorporated into the Notice of Hearing or into a separate notice which includes the passive notice legend.

(e) Withdrawal of Motions. A movant or party who does not intend to pursue a motion or an objection to the motion must immediately file a withdrawal and notify the courtroom deputy and all previously noticed parties.

(f) Hearing on Motions.

(1) *Requirement.* Except as permitted in subdivision (g) and (h) of this rule, every motion, as defined in this rule, must be set for hearing by the movant, utilizing the Notice of Hearing form conforming to Local Form 9013.1.

(2) *Scheduling.* Absent permission from the court, the hearing date chosen by the movant must be

(i) one of the court's scheduled motion days, at the time that the court has set for hearings in connection with cases under that chapter of the Bankruptcy Code, which dates and times are available from the clerk of the court or on the court's web site, www.tneb.uscourts.gov.

(ii) at least 20 but no more than 40 days after service of the notice and motion except

- (A) hearings on objections to claims shall be at least 30 but not more than 50 days after service; and
- (B) hearings on motions for relief from the automatic stay or for adequate protection must be at least 10 days after the date of notice.

(3) *Waiver.* In the event the movant schedules a hearing on a motion for relief from stay more than 30 days after the filing of the motion, the movant is deemed to waive the 30-day termination provision of 11 U.S.C. § 362(e).

(4) *Required Hearing Attendance.* Unless excused by the court, the movant and any objecting party are required to appear at all scheduled hearings. The failure of a movant or an objecting party to attend a duly noticed hearing will be deemed a withdrawal of the motion or of the objection to the motion, as the case may be. Similarly, the court will consider the failure of any other noticed party to attend the hearing as a lack of opposition to the granting of the relief requested in the motion.

(g) Ex Parte Motions.

(1) *Definition.* Unless otherwise directed by the court, no hearing is required for the motions set forth in this subdivision (g), which may be granted by the court on an ex parte basis.

(2) *Types of Motions.* The motions which fall within this category are—

- (i) applications to pay filing fee in installments as permitted by Fed. R. Bankr. P. 1006(c);
- (ii) motions for order extending or shortening time pursuant to Fed. R. Bankr. P. 9006(b)(1) and (c)(1) respectively;
- (iii) motions for a Rule 2004 examination;
- (iv) motions for an emergency hearing;
- (v) motions for *pro hac vice* appearance;
- (vi) motions by debtor for delay of entry of discharge, filed in accordance with Local Rule 4004-1(b);

- (vii) motions in which the movant certifies that all affected parties have consented to the requested relief;
- (viii) motions by debtor to convert pursuant to 11 U.S.C. §§ 1208(a) or 1307(a);
- (ix) motions by trustee to reopen chapter 7 case to administer additional assets;
- (x) motions by debtor to dismiss chapter 13 case;
- (xi) motions for entry of or to vacate wage order;
- (xii) motions directing Internal Revenue Service to transmit refund to chapter 13 trustee and requests to vacate such orders;
- (xiii) motions by creditors to recover unclaimed funds; and
- (xiv) applications to employ professionals pursuant to Fed. R. Bankr. P. 2014 that do not seek approval of a postpetition retainer or a particular fee arrangement and that do not reveal any actual or potential conflicts of interest or any other facts that could preclude retention; provided the application has been served on the United States trustee who will have seven days from the date of service in which to object.

(3) *Proposed Order.* Each ex parte motion, except applications to pay filing fee in installments, must be accompanied by a proposed order, approved for entry by the movant as required by subdivision (c) of this rule.

(h) “Passive Notice” (Notice and Opportunity for a Hearing) Motions.

(1) *Type of Motions.* As an alternative to setting and noticing a motion for hearing as required in subdivision (f) of this rule, a movant may follow the passive notice procedure set forth herein whereby no hearing is set or held unless a party in interest objects to the relief requested in the motion. This passive notice procedure may be used only for the following matters—

- (i) motions in chapter 7 cases for adequate protection or for relief from the automatic stay pursuant to 11 U.S.C. § 362(d); provided, however, if the passive notice procedure is utilized, the movant is deemed to have waived the 30-day automatic termination provision of 11 U.S.C. § 362(e);
- (ii) motions to avoid judicial liens pursuant to 11 U.S.C. § 522(f)(1)(A), filed in accordance with Local Rule 4003-2;
- (iii) motions to avoid liens pursuant to 11 U.S.C. § 522(f)(1)(B);
- (iv) motions to assume or reject executory contracts pursuant to 11 U.S.C. § 365;
- (v) motions to redeem pursuant to 11 U.S.C. § 722, filed in accordance with Local Rule 6008-1;
- (vi) motions pursuant to Fed. R. Bankr. P. 4001(d) for approval of an agreement to provide adequate protection, to prohibit or condition the use, sale, or lease of property, to modify or terminate the stay provided for in 11 U.S.C. § 362, to use cash collateral, or between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity’s lien or interest in such property;

- (vii) notices of the proposed use, sale, or lease of property not in the ordinary course of business pursuant to Fed. R. Bankr. P. 6004(a), but not motions to sell property free and clear of liens or other interests pursuant to Fed. R. Bankr. P. 6004(c);
- (viii) notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a) and motions to compel abandonment pursuant to Fed. R. Bankr. P. 6007(b);
- (ix) motions to approve compromises or settlements pursuant to Fed. R. Bankr. P. 9019(a), filed in accordance with Local Rule 9019-1;
- (x) motions by a creditor, the trustee, or United States trustee to extend time to file a complaint objecting to discharge pursuant to Fed. R. Bankr. P. 4004(b) or to determine the dischargeability of a debt pursuant to Fed. R. Bankr. P. 4007(c);
- (xi) objections to proofs of claims, filed in accordance with Local Rule 3007-1;
- (xii) motions for entry of a final decree in chapter 11 cases;
- (xiii) applications or requests for payment of administrative claims or expenses pursuant to 11 U.S.C. § 503, including fees for professionals;
- (xiv) motions by debtor to convert pursuant to 11 U.S.C. § 706(a) or § 1112(a); and
- (xv) applications to employ professionals that seek the approval of a postpetition retainer or a particular fee arrangement and evidence service on all creditors and parties in interest except that service of the application in a chapter 11 case may be limited to the parties set forth in Local Rule 2002-1(b).

(2) *Passive Notice Legend.* Matters filed pursuant to this passive notice procedure must contain a passive notice legend prominently displayed on the face of the first page of the paper. The passive notice legend must be in a form substantially as follows:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at ____[address]____, an objection within ____[number]____ days from the date this paper was filed and serve a copy on the movant's attorney, ____[name and address and any other appropriate persons]____. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

(3) *Objection deadline.* The number of days in which parties may object that is placed in the passive notice legend must be 20 days except objections to proofs of claim pursuant to Fed. R. Bankr. P. 3007, for which the objection time must be 30 days.

(4) *Filing of Objection.* In the event a party in interest files an objection within the time permitted in the passive notice legend, the court will schedule a hearing on the matter upon notice to the movant, the objecting party or parties, and others as may be appropriate.

(5) *No Objection.* In the event no party in interest files an objection within the time permitted in the passive notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the court may consider the matter in chambers without further notice or hearing.

(6) *Court Discretion.* Nothing in this rule is intended to preclude the court from setting the matter for hearing even if no objection is filed within the time permitted in the passive notice legend.

(7) *Proposed Order.* The requirement in subdivision (c) of this rule that every motion be accompanied by a proposed order does not apply to a notice of abandonment filed pursuant to Fed. R. Bankr. P. 6007(a) or notice of a proposed use, sale, or lease of property pursuant to Fed. R. Bankr. P. 6004(c) unless the noticing party desires entry of an order approving the proposed action.

RULE 9013-3. CERTIFICATE OF SERVICE

(a) Requirement. When the Bankruptcy Code, applicable rules of procedure, court order, or these rules require a paper to be served on parties in interest, a certificate of service must be signed by the party or attorney required to effect notice or service and promptly filed with the clerk.

(b) Content. The certificate of service must include—

- (1) a description of the paper served;
- (2) the name of every entity served;
- (3) the service address of every entity served unless the entity was served electronically;
- (4) the method whereby the paper was served; and
- (5) the date that the paper was served.

RULE 9019-1. SETTLEMENTS AND AGREED ORDERS

(a) Motion Requirement. Motions to approve a settlement or compromise pursuant to Fed. R. Bankr. P. 9019 must—

- (1) be filed in the bankruptcy case rather than a pending adversary proceeding;
- (2) identify any pending adversary proceeding being settled (in the body of the motion not the caption);
- (3) state the nature of the controversy and the terms of the compromise;
- (4) set forth why the proposed compromise is fair, equitable, and in the best interests of the estate; and
- (5) be accompanied by a proposed order granting the proposed settlement or compromise and approved by the movant for entry in the bankruptcy case.

(b) Procedure. The movant must set the motion for hearing in accordance with Local Rule 9013-1(f) or utilize the passive notice procedure of Local Rule 9013-1(h).

(c) Service. The motion must contain a certificate evidencing service of the motion and proposed order (along with the Notice of Hearing if a hearing is set) on the debtor (or the trustee if the debtor is filing the motion), all creditors, and other parties in interest including the United States trustee.

(d) Dispositive Order in Adversary Proceeding. Upon approval of the motion, the movant must tender a separate order for filing in the adversary proceeding, approved for entry by the parties to the adversary proceeding and disposing of the proceeding in accordance with the settlement.

RULE 9070-1. EXHIBITS

Within 30 days following the final determination of a contested matter or adversary proceeding unless a notice of appeal has been filed, the parties should withdraw all exhibits introduced at trials and evidentiary hearings. Exhibits not withdrawn may be destroyed by the clerk upon notice to the parties.

RULE 9072-1. PROPOSED ORDERS

Every motion must be accompanied by a proposed order granting the requested relief and signed by the party or attorney who prepared the order. Every agreed order must be accompanied by an appropriate motion requesting entry of the order, unless the agreed order resolves a previously filed motion.

LOCAL FORM 2016.1

[CAPTION]

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a), Fed. R. Bankr. P. 2016(b), and Local Bankruptcy Rule 2016-1(a)(1), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor in contemplation of or in connection with this chapter 13 case is as follows:

For legal services and expenses, I have agreed to accept \$ _____

Prior to the filing of this statement I have received \$ _____

Balance Due \$ _____

This fee is a “Base Fee.” That means that I will not charge any additional amount for any services rendered or expenses incurred prior to confirmation of the chapter 13 plan, or for any routine services or expenses that I expect to render or incur after confirmation. The types of post-confirmation services and expenses usually considered “routine,” so that I will not charge extra for them, include the following:

Review of confirmation order and periodic case status reports from trustee	Responding to debtor contacts regarding changes in financial circumstances, including job changes and unanticipated expenses
Maintaining custody and control of all case files with original documents for such periods prescribed by law or court rule	Other routine communications with the debtor, including keeping the debtor informed regarding the status of the case; reminders about meetings and hearings; consultations regarding postpetition credit, defaults on direct payments, insurance coverage or lack thereof, etc.
Service of notices and orders as required by court rule	Obtaining and providing the trustee with copies of documents relating to lien perfection issues, such as recorded deeds of trust, security agreements, and the like
Preparation, filing, and prosecution of objections to claims that one can reasonably anticipate will not be contested, such as objections to untimely filed claims and objections to duplicate claims	Preparation and mailing of letters to creditors regarding lien releases, the turnover of clear title certificates, the cancellation of deeds of trust and judgments, and the like
Consummation of assumptions and rejections of unexpired leases and executory contracts	The preparation and certified mailing of letters to creditors regarding alleged violations of the automatic stay
Defense of motions to transfer venue or to dismiss for improper venue	Any other services and expenses that a reasonable attorney would expect to render or incur in most, if not all, chapter 13 cases
Responding to written or oral contacts from creditors regarding plan terms, valuation of collateral, claim amounts, and the like	

The types of post-confirmation services and expenses usually **not** considered “routine,” so that I **may** charge extra for them and file a supplemental fee request, include the following:

Motion for authority to sell property	Post-discharge injunction actions
Motion to modify plan	Adversary proceedings
Motion to incur debt	Defense of motions to convert case to chapter 7
Defense of motion for relief from automatic stay or codebtor stay	Motions to substitute collateral
Defense of motion to dismiss filed after confirmation of plan	Supplemental fee requests
Stay violation litigation, including amounts paid as fees by the creditor or other party	

2. The source of the compensation paid to me was:

G Debtor **G** Other: _____

3. The source of the compensation to be paid to me is:

G Debtor **G** Other: _____

4. **G** I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

or

G I have agreed to share the above-disclosed compensation with a person or persons who are not members of my law firm. A copy of the agreement and a list of the names of the people sharing in the compensation are attached.

ATTORNEY'S CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor in connection with this chapter 13 case. I further certify that the Base Fee set forth above is based on the consideration of the benefit and necessity of my services to the debtor and all other relevant factors, including the time spent or to be spent on such services, the rates charged for such services, the total amount of the secured and unsecured debt, the nature of the case (whether consumer or business), and the complexity of the case. I further certify that I have furnished a copy of this fee disclosure to the debtor and the chapter 13 trustee.

Dated: _____

[SIGNATURE OF ATTORNEY]

LOCAL FORM 3015.1

[CAPTION]

CHAPTER 13 PLAN

G Original **G** Amended

Dated: _____

1. Payments and Term.

The debtor will pay the chapter 13 trustee \$_____ per _____ for _____ months by [wage order or direct pay] and the following additional monies:_____.

2. Priority Claims (including administrative expenses).

(a) All administrative expenses under 11 U.S.C. §§ 503(b) & 1326 will be paid in full, including fees to the debtor's attorney in the amount of \$_____, less \$_____ previously paid by the debtor.

(b) Except as provided in paragraph 6 below, claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments, with tax claims paid as priority, secured, or unsecured in accordance the filed claim.

3. Secured Claims.

(a) *Cramdowns*. The holders of the following allowed secured claims retain the liens securing such claims and will be paid by the trustee the value of the security in the manner specified below. The portion of any allowed claim that exceeds the value indicated will be treated as an unsecured claim under paragraph 4(a) below.

<u>Creditor</u>	<u>Collateral</u>	<u>Value</u>	<u>Monthly Payment</u>	<u>Interest Rate</u>
-----------------	-------------------	--------------	----------------------------	--------------------------

(b) *Surrender*. The debtor will surrender the following collateral and the creditor will have an allowed deficiency claim which will be paid as unsecured under paragraph 4(a) below.

<u>Creditor</u>	<u>Collateral to Be Surrendered</u>
-----------------	-------------------------------------

(c) *Long-Term Mortgages*. The holders of the following mortgage claims will retain their liens and will be paid monthly maintenance payments which will extend beyond the life of the plan. Any arrearage amount set forth below is an estimate; arrearage claims will be paid in full in the amount in the filed claim, absent an objection. Increases in the monthly maintenance payments during the life of the plan will be paid by the indicated payer.

<u>Creditor</u>	<u>Estimated Arrearage</u>	<u>Arrearage Interest Rate</u>	<u>Arrearage Monthly Payment</u>	<u>Maintenance Payment</u>	<u>Payment By: (Trustee or Debtor)</u>
-----------------	--------------------------------	------------------------------------	--------------------------------------	--------------------------------	--

(d) *De Novo Review*. Notwithstanding any provision of this plan, the secured status and classification of any

purported secured claim are subject to *de novo* review on the request of any party in interest made within 90 days following the filing of the claim or the expiration of the deadline for filing proofs of claim, whichever comes later.

4. Unsecured Claims.

(a) *Nonpriority.* Except as provided in subparagraph (b) and in paragraph 6 below, allowed nonpriority unsecured claims will be paid: _____.

(b) *Post-petition.* Claims allowed under 11 U.S.C. § 1305 will be paid in full.

5. Executory Contracts and Unexpired Leases. Except the following which are assumed, all executory contracts and unexpired leases are rejected, with any claim arising from the rejection to be paid as unsecured as provided in paragraph 4(a) above:

<u>Other Party to Contract</u>	<u>Property Description</u>	<u>Treatment by Debtor</u>
--------------------------------	-----------------------------	----------------------------

6. Special Provisions. (such as cosigned debts, debts paid by third party, student loans, special priority debts)

[SIGNATURE AND TYPED NAME OF ATTORNEY
FOR DEBTOR, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]

[OPTIONAL - SIGNATURE OF DEBTOR]

LOCAL FORM 3015.2

[CAPTION]

**NOTICE OF MOTION TO MODIFY CONFIRMED PLAN,
MEETING WITH TRUSTEE, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1329 and Fed. R. Bankr. P. 2002(a)(5):

1. The debtor is filing the attached motion to modify confirmed plan and proposed modified plan.
2. The debtor will meet with the chapter 13 trustee on [date and time] [a date at least 20 days after service of motion, plan, and notice] at [address of meeting]. You may attend that meeting and examine the debtor regarding the proposed modified plan.
3. **Any party wishing to object to the proposed modified plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the meeting with the chapter 13 trustee referenced in paragraph 2 of this Notice or before the scheduled time of any continued meeting, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the modified plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the attorney listed below and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the scheduled meeting.
4. Absent an objection, the court may enter an order granting the motion to modify the confirmed plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the meeting with the trustee], unless the debtor and the objecting parties agree to a different date at the scheduled meeting.

The undersigned hereby certifies that he/she has properly served this notice, the motion to modify, and the proposed modified plan on the chapter 13 trustee and parties listed below.

Date: _____

**[SIGNATURE AND TYPED NAME OF ATTORNEY
FOR DEBTOR, ADDRESS, PHONE NUMBER, AND
BAR NUMBER]**

LOCAL FORM 3015.3

[CAPTION]

**ORDER GRANTING MOTION TO MODIFY
AND CONFIRMING MODIFIED PLAN**

The debtor has filed a motion to modify the confirmed chapter 13 plan. It appearing that all affected creditors have been served with copies of the motion, the proposed modified plan, and the required Notice; that no objections have been filed or any objections have been overruled or withdrawn; and that the modified plan meets the requirements of the Bankruptcy Code;

IT IS ORDERED THAT:

1. The motion of the debtor to modify is granted;
2. The proposed modified plan, a copy of which is attached, is hereby confirmed and is the plan of the debtor.

Date: _____

United States Bankruptcy Judge

APPROVED FOR ENTRY BY:

[SIGNATURE AND TYPED NAME
OF CHAPTER 13 TRUSTEE OR ATTORNEY
FOR TRUSTEE, ADDRESS, PHONE NUMBER,
AND BAR NUMBER]

LOCAL FORM 3015.4

[CAPTION]

**NOTICE OF PLAN MODIFICATION BEFORE CONFIRMATION,
CONTINUED MEETING OF CREDITORS, AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 1323 and Fed. R. Bankr. P. 2002(a)(5),

1. The debtor is filing the attached amended plan.
2. The § 341(a) meeting of creditors in this case has been continued to [date and time] [a date at least 20 days after service of plan and notice] and will be held at [address of meeting].
3. **Any party wishing to object to the proposed amended plan of the debtor must file a written objection with the clerk of the United States Bankruptcy Court, [court's mailing address], before the scheduled time of the continued § 341(a) meeting of creditors referenced in paragraph 2 of this Notice or before the scheduled time of any further continuance of the § 341(a) meeting of creditors, or lodge a written objection with the chapter 13 trustee at the meeting.** Any objection to the amended plan must set forth the reasons for the objection and must state that a copy of the objection has been served upon the attorney listed below and the chapter 13 trustee [trustee's mailing address], unless the objection is lodged with the trustee during the § 341(a) meeting of creditors.
4. Absent an objection, the court may enter an order confirming the amended plan without further notice or hearing. If an objection is filed, a hearing on the objection will be held at [court's address] on [date and time] [the first scheduled time for confirmation hearings that is at least seven days after the completion of the continued meeting of creditors], unless the debtor and the objecting parties agree to a different date at the continued meeting of creditors.

The undersigned hereby certifies that he/she has properly served this notice and the accompanying plan on the chapter 13 trustee and parties listed below.

Date: _____

[SIGNATURE AND TYPED NAME OF
ATTORNEY FOR DEBTOR, ADDRESS,
PHONE NUMBER, AND BAR NUMBER]

LOCAL FORM 9013.1

[CAPTION]

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held _____ [date] _____, at _____ [time] _____ .m., in Courtroom

_____, _____ [address of courthouse] _____, on the

following:

____ [description of motion or other paper initiating matter to be
heard] _____

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the [motion, application, or objection] and may enter an order granting that relief.

Dated: _____

**[SIGNATURE AND TYPED NAME OF ATTORNEY,
ADDRESS, PHONE NUMBER, AND BAR NUMBER]**

LOCAL FORM 9070.1

[CAPTION]

EXHIBIT SUMMARY

The following exhibits are referenced in support of _____ (*the motion, pleading, or claim being filed*):

1.
2.
3.

Copies of these exhibits are being served as required by the local rules.

(This Exhibit Summary is to be attached to and filed with the motion, pleading, or claim to which it relates.)

**[SIGNATURE AND TYPED NAME OF ATTORNEY,
ADDRESS, PHONE NUMBER, AND BAR NUMBER]**